

DET 644 763  
FEDERAL U.S. DISTRICT COURT

OF THE EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

KEVIN SCOTT  
29343 Fieldstone  
Farmington Hills, Mi 48334

Case: 2:12-cv-12864  
Judge: Lawson, David M.  
MJ: Hluchaniuk, Michael J.  
Filed: 06-28-2012 At 03:24 PM  
CMP KEVIN SCOTT V. BANK OF AMERICA  
ET AL (DA)

PLAINTIFF

CIVIL ACTION COMPAINT  
AND JURY DEMAND

-v-

Bank of America  
CT Corporation Systems  
30800 Telegraph Road, Suite 2345  
Bingham Farm, Mi 48025.

Trott & Trott  
31440 Northwestern Highway, Suite 200  
Farmington Hills, Mi 48334

BAC Home Loan Serving, LaSalle Bank  
31440 Northwestern Highway, suite 200  
Farmington Hills, Mi 48334

DEFENDANTS, jointly and severally

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COMES NOW the Plaintiff, Kevin Scott, on behalf of himself for the original

Complaint against

The Defendants, Bank of America, N.A., ("BOA"), BAC home loans Servicing, L.P.

("BAC"), LaSalle Bank, & Trott & Trott upon information & belief hereby allege and state as follows:

### **INTRODUCTION**

1. The Plaintiff is asking the court for an immediate restraining order stopping the foreclosure sale of the Plaintiff home.
2. The Plaintiff is asking the court for an anti spoliation order to preserve all of B.O.A. computer records with the Plaintiff since 2009.
3. In this lawsuit complaint, Plaintiff is seeking relief from the Defendants routine failure to comply with the statutory prerequisite for using the foreclosure and eviction proceeding fraudulently against the Plaintiff. The Plaintiff seeks damages in the amount an excess of 100,000.00 for pain and suffering, mental stress and other real relief that the court deems appropriate under the law.
4. The State of Michigan is a Judicial Foreclosure State and the Plaintiff is entitled to the protection and legal requirements pursuant to MCL 600.3205a. B.O.A must strictly adhere to the prerequisites for using the foreclosure proceeding, along with other basic principles of contract law and consumers protection.
5. B.O.A. has demonstrated a pervasive and willful disregard of the law, facts and a rush to seize the Plaintiff home's under false pretenses of fraud.
6. B.O.A. has failed to negotiate in good faith. The Defendants has made false misrepresentations and misleading statements to the Plaintiff and the court. The Plaintiff received another letter in the mail which indicated for the Plaintiff to "be patient while B.O.A. looked into the inquires sent to the bank by the Plaintiff". This letter from B.O.A is dated 6/19/2012, and it arrived at the Plaintiff home on 6/25/2012. Yet, B.O.A has the Plaintiff home on a foreclosure sale set for July 10, 2012. See exhibit: A, letters sent from B.O.A
7. The Plaintiff has all copies of his checks given to B.O.A. since 2004. The Plaintiff has attached payments from February, 2011 through May, 2012. See exhibit: B

### **JURISDICTION AND VENUE**

8. This Court has jurisdiction over this action which arises under 42 USC sections 1981. Plaintiff is an African American citizen of Michigan living in the county of Oakland. The Defendants were/are doing business in Michigan and all of the transactions which gave rise to this action came out of Oakland County upon information and belief B.O.A. All payments were sent out of State to a B.O.A facility out of Baltimore, Maryland. The amount at issue exceeds \$455,465.00

### **THE PLAINTIFF**

9. Plaintiff, Kevin Scott is a natural person who resides at 29343 Fieldstone Farmington Hills, Mi 48334.

### **FACTUAL BACKGROUND**

10. Plaintiff received a packet from Trott & Trott that indicated that six payments were missing. Two were in the amount of 3,102.07 each and four were in the amount of 3,031.50. See exhibit: C

11. Plaintiff has made many attempts to correct B.O.A. mistakes by faxes, calls, certified letter and Plaintiff has made the same attempt with the law firm Trott & Trott. Through faxes, call, and certified letter all of this was to no avail. In all of the notices given to the Defendants to call the Plaintiff, neither Defendant called the Plaintiff. B.O.A. refused to tell the Plaintiff what 6 payments were missing, despite all the phone calls for a year and a half, B.O.A . absolutely refused to tell the Plaintiff anything. The arrogance of B.O.A. and Trott & Trott is frightening to say the least.

12. Being desperate the Plaintiff called B.O.A. again on June 11, 2012 the Plaintiff spoke with Mary #5678 at B.O.A. While looking at her computer she indicated

that the 6 missing checks that were listed in the complaint were from January 2012 thru June 2012. Mary indicated that B.O.A. had not received "any payments from the Plaintiff for six months."

13. Knowing this was absolutely incorrect the Plaintiff truly doesn't know what to believe from the Defendants. The Plaintiff started looking through all records and found some disturbing facts.

14. The Plaintiff has all copies of his checks given to B.O.A. since 2004. For now the Plaintiff will attach all payments paid to B.O.A. from February, 2011 through May, 2012. See Exhibit: B

15. Equally disturbing, the Plaintiff found checks that were cashed but not credited. Both checks were missing from the payment history that the Defendants sent to the Plaintiff. See Exhibit: B

A. On November 25, 2011, a check for \$ 6,039.01 was accepted and cashed by B.O.A; however there is no record of this check with B.O.A. in their payment history.

B. On February 27, 2012, a check for \$8,744.60 was accepted and cashed by B.O.A. However there is no record of this check with B.O.A. in their payment history.

C. On March 26, 2012 a check for \$2,308.00 was accepted and cashed by B.O.A. This was the Plaintiff's regular payment along with the late fee of 109.00.

16. \$14,783.61 is unaccounted, which was paid to B.O.A. See Exhibit: B. Due to B.O.A maintaining sloppy records, plaintiff request to make his mortgage payments to the court while this case is pending.

#### COUNT 1: BREACH OF CONTRACT

17. Plaintiff Kevin Scott is living in Oakland County, in the State of Michigan.

18. Defendants Bank of America & Trott & Trott is doing business in Oakland County.

19. In early 2009 Plaintiff called B.O.A. to try and have his mortgage payment moved from the 1st thru the 15 because of a change in which the Plaintiff would receive his monthly salary after the 25th of each month. The Plaintiff explained that his payments would always be late unless he could save the money to stop paying the late fee. B.O.A. refused the request and the Plaintiff paid an extra 109.00 every month to the mortgage payment since mid 2009.

20. B.O.A file a complaint with the Oakland County Court indicating that the Plaintiff has missed 6 mortgage payments. With this information given to the court, the Defendants were able to start a false foreclosure proceeding against the Plaintiff. Plaintiff has called B.O.A. and Trott & Trott, the Plaintiff sent a certified letter to Trott & Trott, and B.O.A. Trott & Trott received faxes from the Plaintiff which indicated no mortgage payment was missing. Per the Plaintiff request neither B.O.A. nor Trott & Trott would call to discuss this false and serious miss information given to the court to start the false foreclosure proceeding.

21. Plaintiff has sent a mortgage payment to B.O.A. each month in the amount of 2,198.00 plus a late fee of 109.00 with the total of 2,308.00 being paid every month. B.O.A has returned and not cashed only two checks from the Plaintiff for an unknown reason. A check was sent in April 2012 for 2,308.00 and May 2012 for 2,308.00 for a total of 4,616.00, both checks were not cashed by B.O.A. and the funds were put back in the Plaintiff bank account. But in March 2012 B.O.A. accepted the check for the same amount they rejected in April & May 2012. This violation of rights fall under 42USC section 1981 to enforce the contract.

**MORTGAGE IS A CONTRACT**

**22. Commencing from January 1, 2012 B.O.A. began to negate actions to prevent Plaintiff from enforcing his contract, because of his race. Defendant's bad acts have damage the Plaintiff by putting the Plaintiff's home at risk to foreclosure.**

**WHEREFORE, Plaintiff seeks a judgment as follows:**

**23. A restraining order preventing foreclosure if the court chooses to hold the disputed funds the Defendants are demanding .**

**24. Declaratory and injunctive relief dismissing the foreclosure with prejudice.**

**25. Awarding actual damages.**

**26. Awarding punitive damages.**

**27. Award Plaintiff his court cost and filing fees**

**28. To stay any money to be given to the Defendant until an accounting of the Plaintiff files for the missing money has been found and identified.**

**29. Plaintiff is asking the court to permit mortgage payment to be paid to the court while this case is pending.**

**30. Subtract the unaccounted money from what is claimed due to be held by the court.**

**31. Granting such other relief as the court deems just and equitable**

**32. Plaintiff hereby reserve the right to amend this complaint to supplement or modify the factual obligations and claims contained herein, base upon information from the Defendants, witness, experts and other in the course of discovery in this matter.**

**DESIGNATION OF TRAIL COUNSEL**

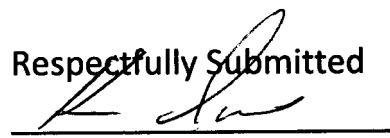
33. Plaintiff reserves the right to add counsel(s) at any point in this complaint.

**DEMAND FOR PRODUCTION OF RECORDS**

34. All computer records and files from 2009 concerning Plaintiff account to be provide to the Plaintiff. The Plaintiff request the files be place on a disk.

June 25, 2012

Respectfully Submitted

  
\_\_\_\_\_  
Kevin Scott, Per Pro

# EXHIBIT: A

**Bank of America**

Home Loans

Po Box: 5170  
Simi Valley, CA 93065-5170



AT1 2-772-30527-0002613-003-1-000-000-000-000

KEVIN SCOTT & ANNETTE PAYTON-SCOTT  
29343 FIELDSTONE  
FARMINGTON HILLS MI 48334

**Date:** December 30, 2011**Account No.:** 872602748

**Property Address:**  
29343 Fieldstone  
Farmington Hills, MI 48334

**IMPORTANT MESSAGE ABOUT YOUR HOME LOAN**

This letter is to acknowledge receipt of your recent inquiry about your home loan. We are in the process of obtaining the documentation and information necessary to address your questions. We appreciate your patience while we research your request.

**THANK YOU**

If you have any additional questions while we research your request, please call us at 1-800-669-6607, Monday-Friday 7a.m. - 7p.m. Local Time.

This communication is from Bank of America, N.A., the servicer of your home loan.

**Bank of America**

Home Loans

Po Box: 5170  
Simi Valley, CA 93062-5170



AT1 7-772-43303-0001672-001-1-000-000-000-000

KEVIN SCOTT & ANNETTE PAYTON-SCOTT  
29343 FIELDSTONE  
FARMINGTON HILLS MI 48334

**Date:** May 18, 2012**Account No.:** 872602748**Property Address:**  
29343 Fieldstone  
Farmington Hills, MI 48334**IMPORTANT MESSAGE ABOUT YOUR HOME LOAN**

This letter is to acknowledge receipt of your recent inquiry about your home loan. We are in the process of obtaining the documentation and information necessary to address your questions. We appreciate your patience while we research your request.

**THANK YOU**

If you have any additional questions while we research your request, please call us at 1-800-669-6607, Monday-Friday 7a.m. - 7p.m. Local Time.

This communication is from Bank of America, N.A., the servicer of your home loan.

Bank of America



Home Loans

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C3\_2113 CSDEAY 12606/14376 12/21/2011



AT1 6-772-45574 0000300-001-1-000-000-000-000

KEVIN SCOTT & ANNETTE PAYTON-SCOTT  
29343 FIELDSTONE  
FARMINGTON HILLS MI 48334

**Date:** June 19, 2012**Account No.:** 872602748**Property Address:**  
29343 Fieldstone  
Farmington Hills, MI 48334**IMPORTANT MESSAGE ABOUT YOUR HOME LOAN**

This letter is to acknowledge receipt of your recent inquiry about your home loan. We are in the process of obtaining the documentation and information necessary to address your questions. We appreciate your patience while we research your request.

**THANK YOU**

If you have any additional questions while we research your request, please call us at 1-800-669-6607, Monday-Friday 7a.m. - 7p.m. Local Time.

This communication is from Bank of America, N.A., the servicer of your home loan.

# EXHIBIT: B



Sunday, June 24, 2012

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### Proof of Payment

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### Customer Information

Customer name KEVIN SCOTT

Address (line 1) 29343 FIELDSTONE

Address (line 2)

City FARMINGTON HILLS

State MI

ZIP code 48334

### Transaction Information

Biller ID 106924

Payee name BANK OF AMERICA

Payee account number 6894721692

Payment amount (\$USD) \$3,300.00

File transmission date 02/28/2011

Payment effective date 03/01/2011

Trace number 021000024508743

### Originator Information

Originator name JPMorgan Chase Bank, N.A. - Online Bill Payment

Transaction ID 1041000878

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### Proof of Payment

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### Customer Information

Customer name KEVIN SCOTT

Address (line 1) 29343 FIELDSTONE

Address (line 2)

City FARMINGTON HILLS

State MI

ZIP code 48334

### Transaction Information

Biller ID 106924

Payee name BANK OF AMERICA

Payee account number 6804721692

Payment amount (\$USD) \$3,048.00

File transmission date 03/28/2011

Payment effective date 03/29/2011

Trace number 021000022141858

### Originator Information

Originator name JPMorgan Chase Bank, N.A. - Online Bill Payment

Transaction ID 1064831471

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**Proof of Payment**[Save or Print](#)**Customer Information**

Customer name KEVIN SCOTT

Address (line 1) 28343 FIELDSTONE

Address (line 2)

City FARMINGTON HILLS

State MI

ZIP code 48334

**Transaction Information**

Biller ID 106924

Payee name BANK OF AMERICA

Payee account number 6894721692

Payment amount (\$USD) \$3,048.00

File transmission date 04/29/2011

Payment effective date 05/02/2011

Trace number 021000021019363

**Originator Information**

Originator name JPMorgan Chase Bank, N.A. - Online Bill Payment

Transaction ID 1093297925

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**Proof of Payment**[Save or Print](#)**Customer Information**

Customer name KEVIN SCOTT

Address (line 1) 29343 FIELDSTONE

Address (line 2)

City FARMINGTON HILLS

State MI

ZIP code 48334

**Transaction Information**

Biller ID 106924

Payee name BANK OF AMERICA

Payee account number 6894721692

Payment amount (\$USD) \$3,048.00

File transmission date 05/31/2011

Payment effective date 06/01/2011

Trace number 021000027692752

**Originator Information**

Originator name JPMorgan Chase Bank, N.A. - Online Bill Payment

Transaction ID 2075433812

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**Proof of Payment**[Save or Print](#) PDF**Customer Information**

Customer name KEVIN SCOTT

Address (line 1) 29343 FIELDSTONE

Address (line 2)

City FARMINGTON HILLS

State MI

ZIP code 48334

**Transaction Information**

Biller ID 106924

Payee name BANK OF AMERICA

Payee account number 6894721692

Payment amount (\$USD) \$3,048.00

File transmission date 06/24/2011

Payment effective date 06/27/2011

Trace number 021000024787288

**Originator Information**

Originator name JPMorgan Chase Bank, N.A. - Online Bill Payment

Transaction ID 2098349951

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Customer name KEVIN SCOTT

Address (line 1) 29343 FIELDSTONE

Address (line 2)

City FARMINGTON HILLS

State MI

ZIP code 48334

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**Transaction Information**

Biller ID 106924

Payee name BANK OF AMERICA

Payee account number 6894721692

Payment amount (\$USD) \$3,048.00

File transmission date 07/27/2011

Payment effective date 07/28/2011

Trace number 021000023395302

**Originator Information**

Originator name JPMorgan Chase Bank, N.A. - Online Bill Payment

Transaction ID 2124865823

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Customer name KEVIN SCOTT

Address (line 1) 29343 FIELDSTONE

Address (line 2)

City FARMINGTON HILLS

State MI

ZIP code 48334

**Transaction Information**

Biller ID 106924

Payee name BANK OF AMERICA

Payee account number 6894721692

Payment amount (\$USD) \$2,308.00

File transmission date 08/26/2011

Payment effective date 08/29/2011

Trace number 021000021435329

**Originator Information**

Originator name JPMorgan Chase Bank, N.A. - Online Bill Payment

Transaction ID 2150931153

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Customer name KEVIN SCOTT

Address (line 1) 28343 FIELDSTONE

Address (line 2)

City FARMINGTON HILLS

State MI

ZIP code 48334

**Transaction Information**

Biller ID 106924

Payee name BANK OF AMERICA

Payee account number 6894721892

Payment amount (\$USD) \$3,786.32

File transmission date 09/26/2011

Payment effective date 09/27/2011

Trace number 021000028217968

**Originator Information**

Originator name JPMorgan Chase Bank, N.A. - Online Bill Payment

Transaction ID 2174975016

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Customer name KEVIN SCOTT

Address (line 1) 29343 FIELDSTONE

Address (line 2)

City FARMINGTON HILLS

State MI

ZIP code 48334

**Transaction Information**

Biller ID 108924

Payee name BANK OF AMERICA

Payee account number 6894721692

Payment amount (\$USD) \$2,308.00

File transmission date 10/06/2011

Payment effective date 10/07/2011

Trace number 021000022279621

**Originator Information**

Originator name JPMorgan Chase Bank, N.A. - Online Bill Payment

Transaction ID 2186714551

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**Proof of Payment**[Save or Print](#)**Customer Information**

Customer name KEVIN SCOTT

Address (line 1) 28343 FIELDSTONE

Address (line 2)

City FARMINGTON HILLS

State MI

ZIP code 48334

**Transaction Information**

Biller ID 106924

Payee name BANK OF AMERICA

Payee account number 6894721692

Payment amount (\$USD) \$3,102.07

File transmission date 10/28/2011

Payment effective date 10/31/2011

Trace number 021000027255997

**Originator Information**

Originator name JPMorgan Chase Bank, N.A. - Online Bill Payment

Transaction ID 2252858295

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Monday, June 18, 2012

## NOTE TO PAYEE

KEVIN SCOTT  
 sent you a payment using the Chase.com online service.  
 Please review these details:

**Payment amount:** \$6,039.01

**Payment sent to account:** 6894721692

**Payment sent by Chase on:** 11/25/2011

**Expected arrival date:** 11/28/2011

As a courtesy to this customer, please note the date the payment was sent and the expected arrival date. If you received the payment after the expected arrival date, the delay may be due to factors beyond our customer's control (e.g., mail processing if the payment was sent by U.S. Mail).

## PROOF OF PAYMENT

### Customer Information

**Customer name** KEVIN SCOTT  
**Address (line 1)** 29343 FIELDSTONE  
**Address (line 2)**  
**City** FARMINGTON HILLS  
**State** MI  
**ZIP code** 48334

### Transaction Information

**Biller ID** 106924  
**Payee name** BANK OF AMERICA  
**Payee account number** 6894721692  
**Payment amount** \$6,039.01  
**File transmission date** 11/25/2011  
**Payment effective date** 11/28/2011  
**Trace number** 021000025225984

### Originator Information

**Originator name** JPMorgan Chase Bank, N.A. - Online Bill Payment  
**Transaction ID** 2403411574



Monday, June 18, 2012

## NOTE TO PAYEE

KEVIN SCOTT  
 sent you a payment using the Chase.com online service.  
 Please review these details:

**Payment amount:** \$2,960.48

**Payment sent to account:** 6894721692

**Payment sent by Chase on:** 01/03/2012

**Expected arrival date:** 01/04/2012

As a courtesy to this customer, please note the date the payment was sent and the expected arrival date. If you received the payment after the expected arrival date, the delay may be due to factors beyond our customer's control (e.g., mail processing if the payment was sent by U.S. Mail).

## PROOF OF PAYMENT

### Customer Information

**Customer name** KEVIN SCOTT

**Address (line 1)** 29343 FIELDSTONE

**Address (line 2)**

**City** FARMINGTON HILLS

**State** MI

**ZIP code** 48334

### Transaction Information

**Biller ID** 106924

**Payee name** BANK OF AMERICA

**Payee account number** 6894721692

**Payment amount** \$2,960.48

**File transmission date** 01/03/2012

**Payment effective date** 01/04/2012

**Trace number** 021000025163215

### Originator Information

**Originator name** JPMorgan Chase Bank, N.A. - Online Bill Payment

**Transaction ID** 2459995567



Monday, June 18, 2012

### NOTE TO PAYEE

KEVIN SCOTT  
 sent you a payment using the Chase.com online service.  
 Please review these details:

**Payment amount:** \$8,744.56

**Payment sent to account:** 6894721692

**Payment sent by Chase on:** 02/27/2012

**Expected arrival date:** 02/28/2012

As a courtesy to the customer, we are including the payment amount and the expected arrival date. If you received the payment after the expected arrival date, the delay may be due to the postal service or your bank's control of the mail processing of the payment. (U.S. Mail)

### PROOF OF PAYMENT

#### Customer Information

**Customer name:** KEVIN SCOTT

**Address (line 1):** 29343 FIELDSTONE

**Address (line 2):**

**City:** FARMINGTON HILLS

**State:** MI

**ZIP code:** 48334

#### Transaction Information

**Biller ID:** 106924

**Payee name:** BANK OF AMERICA

**Payee account number:** 6894721692

**Payment amount:** \$8,744.56

**File transmission date:** 02/27/2012

**Payment effective date:** 02/28/2012

**Trace number:** 021000021583559

#### Originator Information

**Originator name:** JPMorgan Chase Bank, N.A. - Online Bill Payment

**Transaction ID:** 2543266087



Monday, June 18, 2012

### NOTE TO PAYEE

KEVIN SCOTT  
 sent you a payment using the Chase.com online service.  
 Please review these details:

**Payment amount:** \$2,308.00

**Payment sent to account:** 6894721692

**Payment sent by Chase on:** 03/26/2012

**Expected arrival date:** 03/27/2012

As a courtesy to this customer, please note the date the payment was sent and the expected arrival date. If you received the payment after the expected arrival date, the delay may be due to factors beyond our customer's control (e.g., mail processing if the payment was sent by U.S. Mail).

### PROOF OF PAYMENT

#### Customer Information

**Customer name** KEVIN SCOTT  
**Address (line 1)** 29343 FIELDSTONE  
**Address (line 2)**  
**City** FARMINGTON HILLS  
**State** MI  
**ZIP code** 48334

#### Transaction Information

**Biller ID** 106924  
**Payee name** BANK OF AMERICA  
**Payee account number** 6894721692  
**Payment amount** \$2,308.00  
**File transmission date** 03/26/2012  
**Payment effective date** 03/27/2012  
**Trace number** 021000020051599

#### Originator Information

**Originator name** JPMorgan Chase Bank, N.A. - Online Bill Payment  
**Transaction ID** 2589185373

# EXHIBIT: B

# EXHIBIT: C

## REINSTATEMENT CALCULATION

Page 3 of 4

**This Reinstatement Calculation is Only Good Through 06/25/2012**

Customer: Kevin D Scott and Annette Payton-Scott

Loan Number: 872602748

Date/Time Created: 06/12/2012 10:04

Payments\*:

2 Monthly Payments @	\$3,102.07
4 Monthly Payments @	\$3,031.59

\*For certain loan types, monthly payments in default will be calculated based on the "Minimum Payment" due, as defined in your loan documents.

Accrued Late Charges: \$ .00

Uncollected Late Charges: \$491.33

Escrow Deficiency: \$ .00

Property Inspection Fees: \$120.00

Property Preservation Fees: \$ .00

Foreclosure Attorney/Trustee Fees: \$560.00

Foreclosure Expenses: \$602.46

Bankruptcy Attorneys' Fees: \$ .00

Bankruptcy Expenses: \$ .00

Other/Miscellaneous Fees: \$ .00

Sub-Total: \$20,104.29

Suspense/Partial Payment: \$ .00

**\*Total Due:** \$20,104.29

Fees Waived in FULL Reinstatement:

Title Fees: \$ .00

Foreclosure Attorney/Trustee Fees: \$ .00

Total Fees Waived: \$ .00

**\*Net Total Due:** \$20,104.29

\*The Net Total Due reflects the waiver of Foreclosure Attorney/Trustee Fees and/or Title fees (included within Foreclosure Expenses) incurred in processing the foreclosure. This waiver is to assist you in bringing your loan current and is available if you pay the full Net Total Due. However, if you only pay a portion of the Net Total Due or require other assistance in bringing your loan current, these fees will not be waived. You then will be required to pay the Total Due.

**THIS AMOUNT MUST BE PAID WITH CERTIFIED FUNDS OR MONEY ORDER**Escrow Disclaimer

Please note: Even if you reinstate this loan in accordance with this reinstatement quote, the escrow account balance may still be short of what we require. Following reinstatement, an escrow analysis will be performed on the account and, if any escrow shortage exists, the regular monthly payments will be increased to eliminate this shortage.



**Notice Date:** June 12, 2012

**RE:** Bank of America, N.A.  
Loan Number: 872602748

KEVIN D SCOTT AND ANNETTE PAYTON-SCOTT  
29343 FIELDSTONE  
FARMINGTON HILLS, MI 48334-4103

**REINSTATEMENT CALCULATION**  
Page 2 of 4

**IMPORTANT MESSAGE ABOUT THE ABOVE REFERENCED LOAN**

Our records show that this loan is in foreclosure. Per your request, we have enclosed information concerning the reinstatement of this loan.

**WHAT YOU NEED TO DO**

Please read all of the below information carefully so you will know when and how to stop the foreclosure process.

**(1) Act Quickly - Don't Delay**

The amount to reinstate this loan must be received timely, which means a sufficient time before the foreclosure sale to allow your funds to be matched up with this loan. The enclosed Reinstatement Calculation is 'Good Through' 06/25/2012.

**(2) Payment Instructions - We Need to Know the Funds are From You**

Reinstatement funds must be payable to 'Bank of America, N.A.'. Reinstatements must be paid with certified funds or money order and mailed to one of the addresses listed below (walk-in payments will not be accepted). Funds must reference the BANK OF AMERICA, N.A. loan number, property address, and customer name. All of this information must be included on the certified check or money order so that we can properly identify these funds and post them to your account. If we cannot identify the funds as belonging to you and this loan, they will be returned to the bank or entity that issued the funds, and they will not be applied to this loan. Funds received after 3:00 p.m. Pacific Time may be posted the following business day.

**MAIL FUNDS TO:**

Bank of America, N.A.  
Payment Processing, PO Box 15222  
Wilmington, DE 19886-5222

**OR SEND OVERNIGHT TO:**

Bank of America, N.A.  
Retail Payment Services, DE5-023-03-04,  
Christiana III,  
900 Samoset Drive  
Newark, DE 19713-6002

If you have any questions about the information above or if you want to confirm that the funds have been received and applied to the loan to stop the foreclosure, please call 1-800-669-6607, Monday-Friday 7a.m. - 7p.m. Local Time.

This communication is from Bank of America, N.A., the servicer of your home loan.

Bank of America, N.A. is required by law to inform you that this communication is from a debt collector. However, the purpose of this communication is to provide your reinstatement calculations. If you have previously obtained a discharge of your personal obligation for this debt under applicable bankruptcy law, this is not an attempt to collect, a demand for payment or an attempt to impose personal liability for that debt.

**(See following pages for important information.)**

## FACSIMILE COVER SHEET

From: Name: Lps Fc - See  
Fax Number:  
Voice Phone:

To: Name: Kevin D Scott  
Company:  
Fax Number: 12484779013  
Voice Phone:

### Fax Notes:

---

Enclosed find the Loan Servicing Reinstatement Calculation.  
If there are any questions, please contact the referenced  
Bank of America, N.A. contact person as soon as possible.

---

Date and time of transmission: 6/12/12 12:09

Number of pages including this cover page: 4

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND  
MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL OR EXEMPT FROM DISCLOSURE UNDER  
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YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, AND  
DESTROY THIS DOCUMENT. THANK YOU.

sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating a suit. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## (a) PLAINTIFFS

KEVIN Scott

(b) County of Residence of First Listed Plaintiff  
(EXCEPT IN U.S. PLAINTIFF CASES) OAKLAND

## DEFENDANTS

BANK OF AMERICA ET AL

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

OAKLAND

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

## (c) Attorney's (Firm Name, Address, and Telephone Number)

29343 FIELDSTONE FARMINGTON HILLS  
MICHIGAN 48334 (248) 789-6869

Attorneys (If Known) Trott &amp; Trott

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff  
 2 U.S. Government Defendant  
 3 Federal Question (U.S. Government Not a Party)  
 4 Diversity  
(Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Ci Case: 2:12-cv-12864  
Judge: Lawson, David M.  
MJ: Hluchaniuk, Michael J.  
Filed: 06-28-2012 At 03:24 PM  
CMP KEVIN SCOTT V. BANK OF AMERICA ET AL (DA)

Ci 5  6  7  8  9  10  11  12  13  14  15  16  17  18  19  20  21  22  23  24  25  26  27  28  29  30  31  32  33  34  35  36  37  38  39  40  41  42  43  44  45  46  47  48  49  50  51  52  53  54  55  56  57  58  59  60  61  62  63  64  65  66  67  68  69  70  71  72  73  74  75  76  77  78  79  80  81  82  83  84  85  86  87  88  89  90  91  92  93  94  95  96  97  98  99  100  101  102  103  104  105  106  107  108  109  110  111  112  113  114  115  116  117  118  119  120  121  122  123  124  125  126  127  128  129  130  131  132  133  134  135  136  137  138  139  140  141  142  143  144  145  146  147  148  149  150  151  152  153  154  155  156  157  158  159  160  161  162  163  164  165  166  167  168  169  170  171  172  173  174  175  176  177  178  179  180  181  182  183  184  185  186  187  188  189  190  191  192  193  194  195  196  197  198  199  200  201  202  203  204  205  206  207  208  209  210  211  212  213  214  215  216  217  218  219  220  221  222  223  224  225  226  227  228  229  230  231  232  233  234  235  236  237  238  239  240  241  242  243  244  245  246  247  248  249  250  251  252  253  254  255  256  257  258  259  260  261  262  263  264  265  266  267  268  269  270  271  272  273  274  275  276  277  278  279  280  281  282  283  284  285  286  287  288  289  290  291  292  293  294  295  296  297  298  299  300  301  302  303  304  305  306  307  308  309  310  311  312  313  314  315  316  317  318  319  320  321  322  323  324  325  326  327  328  329  330  331  332  333  334  335  336  337  338  339  340  341  342  343  344  345  346  347  348  349  350  351  352  353  354  355  356  357  358  359  360  361  362  363  364  365  366  367  368  369  370  371  372  373  374  375  376  377  378  379  380  381  382  383  384  385  386  387  388  389  390  391  392  393  394  395  396  397  398  399  400  401  402  403  404  405  406  407  408  409  410  411  412  413  414  415  416  417  418  419  420  421  422  423  424  425  426  427  428  429  430  431  432  433  434  435  436  437  438  439  440  441  442  443  444  445  446  447  448  449  450  451  452  453  454  455  456  457  458  459  460  461  462  463  464  465  466  467  468  469  470  471  472  473  474  475  476  477  478  479  480  481  482  483  484  485  486  487  488  489  490  491  492  493  494  495  496  497  498  499  500  501  502  503  504  505  506  507  508  509  510  511  512  513  514  515  516  517  518  519  520  521  522  523  524  525  526  527  528  529  530  531  532  533  534  535  536  537  538  539  540  541  542  543  544  545  546  547  548  549  550  551  552  553  554  555  556  557  558  559  550  551  552  553  554  555  556  557  558  559  560  561  562  563  564  565  566  567  568  569  560  561  562  563  564  565  566  567  568  569  570  571  572  573  574  575  576  577  578  579  580  581  582  583  584  585  586  587  588  589  590  591  592  593  594  595  596  597  598  599  590  591  592  593 <

## TO LOCAL RULE 83.11

Is this a case that has been previously dismissed?

Yes

No

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

Yes

No

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

Notes :

\_\_\_\_\_